

IOWA DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION

POLICY/PROCEDURE STATEMENT

TOPIC: Construction Initiation Timing (For PSD Sources)

Policy Procedure Number: 3-b-06

Replaces Number:

Date : 5/1/98

Effective Date: May 27, 1998

Preparer: David Phelps

Reviewer:

Approval: Bureau Chief: Peter Hamlin

Date: 6/15/98

Division Administrator: Allan Stokes

D a t e : 5/27/98

Applicable Code of Iowa or Iowa Administrative Code Rule:

IAC 567 Chapter 22

Attachments: EPA Guidance Documents (dated March 28, 1986, December 18, 1978, October 10, 1978)

REASON OR BACKGROUND

Section 22.1 of the Iowa Administrative Code defines when a source is required to obtain a construction permit. It further states "A permit shall be obtained prior to the initiation of construction, installation or alteration of any portion of the stationary sources." The delay between the time the construction permit application is submitted and when a permit is issued is an imposition on the regulated community. In cases where Prevention of Significant Deterioration (PSD), New Source Performance Standards (NSPS) and National Emissions Standards for Hazardous Air Pollutants (NESHAPS) are involved, USEPA has given very specific guidance on what can be done to a site prior to receiving a permit. The purpose of this policy is to reiterate the EPA guidance.

DETAILS

December 18, 1978

Memorandum

SUBJECT: Interpretation; of "Constructed" as it Applies to Activities Undertaken Prior to
_ Issuance of a PSD Permit

FROM: Director
Division of Stationary Sources Enforcement.

TO: Enforcement Division Directors
Regions 1-X

"The new policy is that certain limited activities will be allowed in all cases. These allowable activities are planning, ordering of equipment and materials, site-clearing, grading and on-site storage of equipment and materials. Any activities undertaken prior to issuance of a PSD permit would, of course, be solely at the owner's or operator's risk. That is, even if considerable expense were incurred in site-clearing and purchasing equipment, for example, there would be no guarantee that a PSD permit would be forthcoming."

"All on-site activities of a permanent nature aimed at completing a PSD source for which a permit has yet to be obtained are prohibited under ail circumstances. These prohibited activities include installation of building supports and foundations, paving, laying of underground pipe work, construction of permanent storage structures, and activities of a similar nature."

Mar 28, 1986

Memorandum

SUBJECT: Construction Activities Prior to Issuance of a PSD Permit with Respect to
"Begin Actual Construction"

FROM: Director
Stationary Source Compliance Division
Office of Air Quality Planning and Standards

TO: Robert R. DeSpain, Chief
" Air Programs Branch, Region VIII

"Since section 52.21(i)(1) specifies that a source may not begin actual construction (on an emissions unit) until a PSD permit is obtained by that source, and "begin actual construction" at 52.2 1 (b)(11) refers to the emissions unit, it is necessary to clarify the definition of emissions unit. "Emissions unit" as ~~defined at 52.21 (b)(7)~~ refers not only to units which emit pollutants subject to review under PSD, but to any part of the source which emits a pollutant subject to regulation under the Clean Air Act. By definition then, any part of a PSD source which would emit any pollutant subject to regulation under the Act is considered an emissions unit, even if that particular unit is not subject to PSD review. The emission unit would include any installations necessary to accommodate that unit. Therefore, before

issuance of the PSD permit, construction is prohibited on any emissions unit or on any installation designed to accommodate the emission unit. If the emission unit (including **any** accommodating installations) is an integral part of the source or modification (i.e. the source or modification would not serve in accordance with its original intent, except for inclusion of the emissions unit), the PSD permit must be obtained before construction on the entire source commences.